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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

HAKKASAN LV, LLC, a Nevada  
limited liability company,  
HAKKASAN LIMITED, a foreign  
private limited company,

Plaintiffs,

v.

EZ LEASE PROPERTY  
MANAGEMENT, LLC, also known as  
EZ LEASE PROPERTY, a Nevada  
limited liability company,

Defendant.

Case No.: 2:14-cv-00798

~~PROPOSED~~

**EX PARTE TEMPORARY  
RESTRAINING ORDER**

UPON CONSIDERATION of the Motion filed by Plaintiffs Hakkasan LV, LLC ("Hakkasan LV") and Hakkasan Limited ("Hakkasan Parent"), requesting a temporary restraining order and injunction requiring Defendant EZ Lease Property Management, LLC, also known as EZ Lease Property, a Nevada limited liability company ("Defendant"), to immediately cease and desist all use of the <mgmgrandhakkasan.com>, <mgmhakkasannightclub.com> and <mgmgrandhakkasannightclub.com> domain names (the "Infringing Domain Names") and Plaintiffs' trademarks and requiring the domain name registrar to lock the domain name at issue and transfer them to Plaintiffs' counsel during the pendency of this matter and the supporting

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1 Memorandum of Points and Authorities, the supporting Declarations and evidence, the record in this  
2 case, and for other good cause shown:

3 THE COURT HEREBY FINDS THAT:

4 1. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C.  
5 §§ 1331 and 1338.

6 2. The Court has personal jurisdiction over the Defendant in that Defendant is a  
7 domestic limited liability company organized and existing under the laws of the State of Nevada,  
8 Defendant operates several websites on the Internet that are accessible to residents of the State of  
9 Nevada, and Defendant committed tortious acts that it knew or should have known would cause  
10 injury to Plaintiffs in the State of Nevada.

11 3. Hakkasan LV, a Nevada limited liability company, is an indirect wholly owned  
12 subsidiary of Hakkasan Parent, a foreign private limited company that is qualified to do business in  
13 the state of Nevada. Hakkasan LV owns and operates Hakkasan, a premier nightclub and restaurant  
14 venue located inside the MGM Grand Hotel and Casino on the Las Vegas strip ("Hakkasan Las  
15 Vegas"). Hakkasan Parent also owns and/or operates, either directly or through its subsidiary  
16 companies, several other Hakkasan restaurants around the globe, including Dubai, London, New  
17 York, San Francisco and Miami. Furthermore, MGM and Hakkasan Parent have very recently  
18 formed a Joint Venture to develop new non-gaming resorts. MGM and Hakkasan Parent have an  
19 agreement for handling domain names containing both entities' trademarks, and either entity is  
20 entitled to control these domain names and enforce such rights.

21 4. Hakkasan Parent owns the mark HAKKASAN in connection with, among other  
22 things, restaurant, bar and nightclub services. In particular, Hakkasan Parent owns federal trademark  
23 registrations (U.S. Reg. Nos. 3,789,248 and 4,458,604) for HAKKASAN for, among other things,  
24 bar and restaurant services, nightclubs, and nightclub services, and pending trademark applications  
25 (U.S. Ser. Nos. 86/183953, 86/183947, and 86/183935) for entertainment services, retail store  
26 services, clothing, and related goods and services (the "HAKKASAN Marks"). Hakkasan LV is a  
27 licensee of the HAKKASAN Marks in connection with its ownership and operation of Hakkasan Las  
28 Vegas.

1           5.       Plaintiffs have made extensive use of the HAKKASAN Marks on, among other  
2 things, signage, billboards and promotional materials.

3           6.       Based on its federal trademark registrations, pending federal trademark applications  
4 and extensive use, Hakkasan Parent owns the exclusive right to use its HAKKASAN Marks in  
5 connection with restaurant, bar, nightclub and related goods and services. As a licensee of the  
6 HAKKASAN Marks and pursuant to an agreement between the parties, Hakkasan LV is entitled to  
7 the exclusive right to use the HAKKASAN Marks in Las Vegas, Nevada in connection with  
8 Hakkasan Las Vegas for restaurant, bar and nightclub services and is entitled to enforce its rights  
9 against Defendant.

10          7.       The uniqueness of Hakkasan Las Vegas, along with the extensive advertising and  
11 promotion of Hakkasan Las Vegas have resulted in the HAKKASAN name and mark being  
12 distinctive and famous for bar, restaurant and nightclub services.

13          8.       Defendant has used the HAKKASAN Marks as part of the Infringing Domain Names  
14 without Plaintiffs' authority or permission.

15          9.       Plaintiffs will suffer irreparable injury if the Court does not require the domain name  
16 registrar Register.com (the "Registrar") to lock the Infringing Domain Names pending litigation of  
17 this matter.

18          10.       Plaintiffs have demonstrated that they will suffer irreparable harm if a Temporary  
19 Restraining Order is not entered *ex parte* because, immediately upon notice of suit and prior to  
20 hearing, Defendant could transfer the Infringing Domain Names to another registrant or registrar.  
21 Transfer of the Infringing Domain Names to another registrant <sup>may</sup> ~~would~~ deprive the Court of  
22 jurisdiction and require Plaintiffs to file additional suits to chase the Infringing Domain Names to  
23 recover their intellectual property. Transfer of the Infringing Domain Names to another registrar  
24 would require Plaintiffs to expend significant effort and financial resources to track the registrations.

25          11.       Plaintiffs have demonstrated likelihood of success on the merits of their  
26 cybersquatting claims against Defendant under the Lanham Act, 15 U.S.C. § 1125(d).

27          12.       Plaintiffs have demonstrated likelihood of success on the merits of their trademark  
28 infringement claims against Defendant under the Lanham Act, 15 U.S.C. § 1114, and Nevada law.

IT IS FURTHER ORDERED that Defendant shall file, pursuant to 15 U.S.C. § 1116(a), with this Court and serve upon Plaintiffs within thirty (30) days after entry of this Order, a report in

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1 writing under oath setting forth in detail the manner and form in which Defendant has complied with  
2 this Court's Order; and

3 IT IS FURTHER ORDERED that Plaintiffs shall post a nominal bond of \$ 100.00  
4 for the domain names at issue because the evidence indicates that Defendant will only suffer  
5 minimal, if any, damage by the issuance of this temporary restraining order.

6 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

7 UPON CONSIDERATION of the Motion, the Memorandum of Points and Authorities, the  
8 supporting declarations and exhibits, the papers and pleadings on file in this matter and for good  
9 cause shown;

10 1. The Court hereby sets the hearing for the Motion for Preliminary Injunction on  
11 June 2, 2014, at 9:30 a.m., in Courtroom \_\_\_ at the Lloyd D. George United States  
12 Federal Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

13 2. Further, the Court hereby sets the following briefing schedule relating to Plaintiffs'  
14 Motion:

15 (a) Defendant shall file and serve opposition papers, if any, no later than  
16 May 29, 2014; and

17 (b) Plaintiffs shall file and serve their reply brief, if any, no later than May 30,  
18 2014.

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3. In addition, to ensure Defendant received timely notice of the hearing, given that Defendant must maintain accurate contact information with the domain name registrar, Plaintiffs may, in addition to the requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure, serve the Motion, this Order and all other pleadings filed to date on Defendant by electronic mail transmission.

DATED: 22<sup>nd</sup> day of May, 2014.

  
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

GREENBERG TRAURIG, LLP

/s/ Laraine M.I. Burrell

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